

The Gazette



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NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 6th June 1953 :—

Issue No.	No. and date	Issued by	Subject
137	S. R. O. 1024, dated the 31st May 1953.	Ministry of Commerce and Industry.	Raising of the customs duty on body panels including turret tops and sides for passenger cars.
	S. R. O. 1025, dated the 31st May 1953.	Ministry of Finance (Revenue Division).	Exemption of certain articles and parts thereof falling under items 75 (9), 75 (10), (75) 11, and 75 (12) of the First Schedule to the Indian Tariff Act, 1934 (XXXII of 1934).
	S. R. O. 1026, dated the 31st May 1953.	Ditto.	Supersession of the Notification of the Ministry of Finance (Revenue Division) No. 49-Customs, dated the 19th May 1951.
138	S. R. O. 1027, dated the 21st May 1953.	Election Commission, India.	Election Petition No. 264 of 1952.
139	S. R. O. 1028, dated the 1st June 1953.	Ditto.	Calling upon the Solan Constituency to elect before the 3rd August, 1953, two persons to the vacant seats one of whom shall belong to the Scheduled Castes.
	S. R. O. 1029, dated the 1st June 1953.	Ditto.	Fixation of certain dates as the last date for making nominations, scrutiny of nominations and withdrawal of candidatures etc.
140	S. R. O. 1030, dated the 1st June 1953.	Ministry of Commerce and Industry.	Amendment to the Ministry of Commerce and Industry Notification No. S. R. O. 1339, dated the 31st August 1951.

Issue No.	No. and date	Issued by	Subject
141	S. R. O. 1031, dated the 2nd June 1953.	Ministry of Food and Agriculture.	Restriction on the movement of any foodgrains and/or any product thereof between the States of Rajasthan and Ajmer.
	S. R. O. 1032, dated the 2nd June 1953.	Ditto.	Amendment made in the Rajasthan Gram and Gram Products (Export Control) Order, 1953.
	S. R. O. 1033, dated the 2nd June 1953.	Ditto.	Further amendment made in the Gram and Gram Products (Export Control) Order, 1953.
142	S. R. O. 1034, dated the 22nd May 1953.	Election Commission, India.	Election Petition No. 256 of 1952.
143	S. R. O. 1067, dated the 25th May 1953.	Ditto.	Election Petition No. 1 of 1952.
144	S. R. O. 1068, dated the 5th June 1953.	Ministry of Commerce and Industry.	Specification of the date, 8th June 1953, on which the Indian Power Alcohol Act, 1948 (XXII of 1948) shall come into force.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3

Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).

ELECTION COMMISSION, INDIA

New Delhi, the 30th May 1953

S.R.O. 1075.—It is hereby notified for general information that the disqualifications under clause (c) of section 7 and section 143 of the Representation of the People Act, 1951 (XLIII of 1951), incurred by the person whose name and address are given below, as notified under notification No. MD-P/52(121)/BYE, dated the 13th October, 1952, have been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section 144 of the said Act respectively:—

Shri G. K. Karunakaran Pandian, South Street, Kayattar, Tirunelveli District, Madras State.

[No. MD-P/53(2)/BYE/8419.]

New Delhi, the 1st June 1953

S.R.O. 1076.—In pursuance of sub-rule (5) of rule 114 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, the names of the persons shown in column 1 of the Schedule below who, having been nominated as candidates for bye-election to the House of the People from the constituency specified in the corresponding entries in column 2 thereof and each having appointed himself to be his election agent at the said bye-election, have, in accordance with

the decision given by the Election Commission under sub-rule (4) of the said rule, failed to lodge the returns of election expenses within the time and in the manner required and have thereby incurred the disqualifications under clause (c) of section 7 and section 143 of the Representation of the People Act, 1951 (XLIII of 1951), are hereby published:—

SCHEDULE

Name of the candidate	Name of constituency
I	2
Shri Chandrika Prasad Singh	Muzaffarpur North West.
Shri Lachuman Mahto	Muzaffarpur North West.

[No. BR-P/53(76)/BYE/8404.]

New Delhi, the 2nd June 1953

S.R.O. 1077.—It is hereby notified for general information that the disqualifications under clause (c) of section 7 and section 143 of the Representation of the People Act, 1951 (XLIII of 1951), incurred by the person whose name and address are given below, as notified under notification No. WB-P/52(7), dated the 28th April, 1952, have been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section 144 of the said Act respectively:—

Shri Dharendra Nath Roy, Dhulian, P.O. Dhulian, District Murshidabad.

[No. WB-P/53(19)/8435.]

New Delhi, the 6th June 1953

S.R.O. 1078.—It is hereby notified for general information that the disqualifications under clause (c) of section 7 and section 143 of the Representation of the People Act, 1951 (XLIII of 1951), incurred by the person whose name and address are given below, as notified under Notification No. BR-P/52(31), dated the 19th May 1952 have been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section 144 of the said Act respectively:—

Shri Kedar Mani Shukula, Village Malkauli, P.O. Bettiah, District Champaran.

[No. BR-P/52(74)/8801.]

P. N. SHINGHAL, Secy.

MINISTRY OF STATES

New Delhi, the 8th June 1953

S.R.O. 1079.—In exercise of the powers conferred by Entry 3(b) of the Table annexed to Schedule I to the Indian Arms Rules, 1951, the Central Government is pleased to specify Rajakumar Prithviraj Urs a member of the family of His Highness the Maharaja of Mysore, for the purposes of that entry.

[No. 91-D.]

H. C. MAHINDROO, Under Secy.

New Delhi, the 10th June 1953

S.R.O. 1080.—In exercise of the powers conferred by section 2 of the Part C States (Laws) Act 1950 (XXX of 1950), the Central Government hereby extends to the State of Bilaspur the Madras Livestock Improvement Act, 1940 (Madras Act

XV of 1940) as at present in force in the State of Madras subject to the following modifications, namely:—

Modifications

In the said Act,—

- (1) except as otherwise provided for the words 'State Government' and 'Fort St. George Gazette' wherever they occur, the words 'Chief Commissioner' and 'Official Gazette' shall respectively be substituted;
- (2) In sub-section (2) and (3) of section 1, for the words 'the State of Madras' the words 'the State of Bilaspur' shall be substituted;
- (3) for clause (c) of section 2, the following clause shall be substituted, namely:—
“(c) 'Director' means the Animal Husbandry Officer, Bilaspur, and includes any other officer on whom the powers or duties of the Director are conferred or imposed under section 3;”;
- (4) In clause (c) of sub-section (1) of section 5, the words 'in the district or part of the district in which it is kept' shall be omitted;
- (5) in sub-sections (1) and (2) of section 17 and section 18, for the words 'servant of the State Government' the words 'servant of the Government' shall be substituted.

Annexure

The Madras Livestock Improvement Act, 1940 (XV of 1940) as modified by this notification.

MADRAS LIVESTOCK IMPROVEMENT ACT, 1940

The following Act received the assent of His Excellency the Governor on the 29th August 1940 and is hereby published for general information:—

ACT No. XV of 1940.

AN act to provide for the improvement of livestock in the Province of Madras.

WHEREAS it is expedient to provide for the improvement of livestock in the Province of Madras;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act 1935 (26 Geo. 3, Ch. 2) assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Madras Livestock Improvement Act, 1940.

(2) It extends to the whole of the State of Bilaspur.

(3) This section shall come into force at once, and the Chief Commissioner may from time to time by notification in the Official Gazette apply all or any of the remaining provisions of this Act to the whole or any portion of the State of Bilaspur from such date and for such period, if any, as may be specified in the notification, and may cancel or modify any such notification.

2. **Definitions.**—In this Act, unless there is anything repugnant in the subject or context—

- (a) "bull" includes a buffalo-bull;
- (b) "cow" includes a buffalo-cow and a heifer;
- (c) "Director" means the Animal Husbandry Officer, Bilaspur, and includes any other officer on whom the powers or duties of the Director are conferred or imposed under section 3;
- (d) "licence" means a licence granted under section 4;
- (e) "licensing officer" means the Director or any other officer or person authorized to grant licences under section 4;
- (f) "prescribed" means prescribed by rules made under this Act;
- (g) a person is said to "keep a bull" if he owns the bull or has the bull in his possession or custody; and
- (h) a bull is said to be "castrated" if it is rendered incapable of propagating its species.

3. Appointment of Director.—The Chief Commissioner may by general or special order confer or impose on any person all or any of the powers or duties of a Director under this Act.

4. Bulls which have attained a certain age to be licensed.—(1) No person shall keep a bull which has attained the prescribed age except under and in accordance with the terms, conditions and restrictions of a licence granted under this section, unless it is certified by prescribed officer that the bull has been effectively castrated by a method and in a manner approved by the Director.

Explanation—Where a person keeps more than one bull, he shall obtain a separate licence in respect of each bull.

(2) Every licence under this section shall be granted by the Director or any officer or person authorized by him by general or special order. It shall be in such form, for such period, and subject to such terms, conditions and restrictions as may be prescribed.

No fee shall be charged for the grant of the licence.

6. Surrender of licence.—A licence granted in respect of a bull shall be prescribed, the licensing officer may refuse to grant or may revoke a licence in respect of any bull if in his opinion the bull appears to be—

- (a) of defective or inferior conformation and consequently likely to beget defective or inferior progeny, or
- (b) suffering from an incurable contagious or infectious disease or from any other disease rendering the bull unsuitable for breeding purposes, or
- (c) of a breed which it is undesirable to propagate.

(2) The licensing officer may also revoke a licence granted in respect of any bull kept within his jurisdiction (whether such licence was granted by himself or by any other officer) if in his opinion—

- (a) the licence was granted under circumstances of which the licensing officer was not aware at the time of granting the licence, or
- (b) there has been a breach of any of the terms, conditions or restrictions of the licence.

(3) If a licence is revoked under this section, the officer revoking the licence shall give notice thereof to the person keeping the bull or to the person stated in the licence to be the owner of the bull. The notice shall set out the grounds for the revocation.

(4) No person shall be entitled to any compensation for the refusal or revocation of any licence under this section.

6. Surrender of licence.—A licence granted in respect of a bull shall be surrendered without delay to the licensing officer, if

- (a) the period specified in the licence expires, or
- (b) the licence is revoked under this Act, or
- (c) the bull dies, or is certified by the prescribed officer to have been effectively castrated by a method and in a manner approved by the Director.

7. Inspection of bulls.—The licensing officer may by order require any person keeping a bull to submit it for inspection by himself or by any officer or person deputed by him for the purpose, at any reasonable time, either at the place where the bull is kept for the time being or at any other reasonable place specified in the order, and thereupon it shall be the duty of the person keeping the bull to submit it for inspection accordingly, and render all reasonable assistance in connexion with such inspection to the officer concerned.

8. Power to order castration of bulls.—(1) The licensing officer may by order require any person keeping a bull which in his opinion has attained the prescribed age, and in respect of which no licence is for the time being in force under this Act, to have it castrated, within one month from the date of the service of the order, by a method and in a manner approved by the Director and specified in the order.

(2) Such castration shall be performed or caused to be performed by the licensing officer free of charge unless the owner or other person keeping the bull desires to make his own arrangements for complying with the order.

9. Duty to inform owner of contents of notice, or order of castration.—If any notice or order is served under section 5, section 7, or section 8 on any person who

is not the owner of the bull, it shall be the duty of that person forthwith to take all reasonable steps to inform the owner of the contents of such notice or order, and if he fails to do so, he shall be liable to indemnify the owner against any loss the owner may sustain by reason of such failure.

10. Production of licence.—It shall be the duty of any person who for the time being keeps a bull in respect of which a licence has been obtained and is in force, to produce such licence—

- (a) within a reasonable time, at any place where the bull is for the time being, on demand made by a licensing officer or an officer of the Veterinary Department not below the rank of Veterinary Assistant Surgeon, or an officer of the Agricultural Department not below the rank of Upper Subordinate, or an officer of the Revenue Department not below the rank of Revenue Inspector, or such other officer as may be authorized in this behalf of the Chief Commissioner by general or special order, or
- (b) before a cow is served by the bull, on demand made by the person in charge of the cow.

11. Penalties.—Whoever—

- (a) keeps a bull in contravention of this Act or of any rule or order made thereunder, or of any terms, conditions or restrictions of a licence, or
- (b) neglects or fails to submit a bull for inspection when required to do so under section 7, or
- (c) neglects or fails to comply with an order served under section 8, or
- (d) neglects or fails to produce a licence when required to do so under section 10,

shall be punishable with fine which may extend to fifty rupees and in the case of a second or any subsequent offence with fine which may extend to one hundred rupees.

12. Power of licensing officer to castrate bulls.—(1) If a person who keeps a bull neglects or fails to submit it for inspection, or to have it castrated when required to do so under section 7, or section 8, the licensing officer may direct that the bull shall be castrated by a method and in a manner approved by the Director and marked with a prescribed mark in the prescribed manner, free of charge.

(2) (a) If it is not known in whose ownership, possession or custody a bull is for the time being and the fact cannot be ascertained after an inquiry in the prescribed manner, the licensing officer may seize the bull or cause it to be seized, and if he is of opinion that the bull has attained the prescribed age and is unsuitable for breeding purposes on any of the grounds specified in sub-section (1) of section 5 may direct that the bull shall be castrated by a method and in a manner approved by the Director and marked with a prescribed mark in the prescribed manner, free of charge.

(b) Every bull seized under clause (a) shall, after it has been castrated and marked as aforesaid where necessary, be sold by public auction or sent to a pinjrapole or infirmary recognized by the Chief Commissioner in this behalf.

(c) In case the owner of any bull seized under clause (a) appears before the licensing officer within such time as may be prescribed in this behalf and proves to the satisfaction of such officer that the bull is owned by him—

- (i) in case the bull has been sold by public auction, the proceeds of such sale shall be paid to the owner after deducting therefrom the costs, charges and expenses incurred for the maintenance and sale of the bull; and
- (ii) in any other case, the bull shall be delivered to the owner on payment of the costs, charges and expenses incurred for its maintenance.

(d) The costs, charges and expenses referred to in sub-clauses (i) and (ii) of clause (c) shall be determined in the prescribed manner.

13. Power of licensing officer, etc., to inspect or mark bulls and to enter premises.—For the purposes of this Act, a licensing officer or any officer or person authorized by him in this behalf shall have power at all reasonable times—

- (a) to inspect any bull;
- (b) to mark any bull with a prescribed mark in the prescribed manner; and
- (c) subject to such conditions and restrictions, if any, as may be prescribed, to enter any premises or other place where he has reason to believe that a bull is kept.

14. Duty of officers to report offences, etc.—It shall be the duty of all village officers and servants and of all officers of the Veterinary, Agricultural and Revenue Departments—

- (a) to give immediate information to the nearest licensing officer of the commission of any offence, or of the intention or preparation to commit any offence punishable under this Act, which may come to their knowledge;
- (b) to take all reasonable measures in their power to prevent the commission of any such offence which they may know or have reason to believe is about or likely to be committed; and
- (c) to assist any licensing officer in carrying out the provisions of this Act.

15. Cognizance of offences.—No Magistrate shall take cognizance of any offence under this Act except upon a complaint made by a licensing officer or any person authorized by such officer in this behalf.

16. Officers to be public servants.—The Director, every licensing officer, all officers and persons authorized by the Director or a licensing officer under this Act, and all village officers and servants, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. (XLV of 1860).

17. Bar of certain proceedings.—(1) No suit, prosecution or other proceeding shall lie against any officer or servant of the Government for any act done or purporting to be done under this Act without the previous sanction of the Chief Commissioner.

(2) No officer or servant of the Government shall be liable in respect of any such act in any civil or criminal proceeding if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

18. Limitation for certain suits and prosecutions.—No suit shall be instituted against the Crown and no suit, prosecution or other proceeding shall be instituted against any officer or servant of the Government in respect of any act done or purporting to be done under this Act, unless the suit, prosecution or other proceeding is instituted within six months from the date of the act complained of.

19. The Chief Commissioner may at any time either *suo motu* or on application, call for and examine the record of any order passed by, or any proceedings recorded by, any officer or person under this Act, for the purpose of satisfying themselves as to the legality or propriety of such order or as to the regularity of such proceedings, and may pass such order in reference thereto as they think fit.

Nothing contained in this section shall apply to the orders or proceedings of any Court or Magistrate.

20. Power to make rules.—(1) The Chief Commissioner may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) all matters expressly required or allowed by this Act to be prescribed;
- (b) the circumstances in which duplicates of licences may be granted, the fees which may be charged for the grant of such duplicates, and the conditions, restrictions and limitations subject to which they may be granted.
- (c) the powers to be exercised and the duties to be performed by officers appointed under this Act, and the procedure of such officers; and
- (d) the service of notices and orders issued under this Act.

(3) In making a rule under sub-section (1) or sub-section (2), the Chief Commissioner may provide that a person guilty of a breach thereof shall be punishable with fine which may extend to fifty rupees.

(4) The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication.

(5) All rules made under this section shall be published in the Official Gazette and upon such publication shall have effect as if enacted in this Act.

21. Saving.—Nothing contained in this Act shall apply to a bull dedicated in good faith to a religious purpose in accordance with any religious usage or custom, provided that notice of the dedication is given in the prescribed manner to the licensing officer.

[No. 94-J.]

S. K. AYANGAR, Asstt. Secy.

MINISTRY OF FINANCE**(Department of Revenue and Expenditure)***New Delhi, the 2nd June 1953*

S.R.O. 1081.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution read with articles 313 and 372 thereof and paragraph 19 of the Adaptation of Laws Order, 1950, the President hereby directs after consultation with the Comptroller and Auditor General that the following further amendment shall be made in the Revised Leave Rules, 1933, namely:—

For the second proviso to rule 7 the following proviso shall be substituted, namely:—

“Provided further that an officer whose service has been extended in the interests of the public service beyond the date of his compulsory retirement may similarly be granted either within the period of extension or after its expiry, any earned leave which could have been granted to him under the preceding proviso had he retired on that date less the leave, if any, taken during the period of extension and in addition such earned leave due in respect of the extension as had been applied for in sufficient time during the extension and refused to him on account of the exigencies of the public service. In determining the amount of earned leave due in respect of the extension with reference to rule 9, the earned leave, if any, admissible on the date of compulsory retirement shall be taken into account.”

[No. F.7(18)-Est.IV/53.]

B. S. ATRI, Under Secy.

(Department of Economic Affairs)*New Delhi, the 6th June 1953*

S.R.O. 1082.—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (X of 1949), the Central Government on the recommendation of the Reserve Bank of India hereby declares that the provisions of sections 18 and 24 of the said Act shall not apply until the 30th April 1954 to the Agricultural Bank of Garhwal, Ltd., Narendra Nagar.

[No. 4(90)-F.I/52.]

New Delhi, the 8th June 1953

S.R.O. 1083.—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (X of 1949), and rule 16 of the Banking Companies Rules, 1949, the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 31 of the said Act and rule 15 of the said Rules shall not apply to the under-noted banking companies in so far as they relate to the publication of their balance sheets and profit and loss accounts for the period ended the 31st December 1952 together with the auditor's report in a newspaper, namely:—

1. Vasudevavillasam Bank Ltd., Perintalmanna.
2. Malankara Bank Ltd., Tiruvalla.
3. Kannivadi Bank Ltd., Dindigul.
4. Bank of Travancore Ltd., Trivandrum.
5. Prabhatha Tharaka Bank Ltd., Kuravilangad.
6. South Travancore Bank Ltd., Neyyoor.
7. Oriental Bankers Ltd., Munnar.
8. Kamalodayam Bank Ltd., Ponkunnam.
9. Bari Doab Bank Ltd., Hoshiarpur.
10. Ajodhia Bank Ltd., Faizabad.

[No. F.4(110)-F.I/53.]

N. C. SEN GUPTA, Dy. Secy.

(Department of Revenue and Expenditure)*New Delhi, the 9th June 1953*

S.R.O. 1084.—In exercise of the powers conferred by the proviso to Article 309 read with articles 313 and 372 of the Constitution and paragraph 19 of the Adaptation of Laws Order, 1950, the President hereby directs that the following further amendment shall be made in the Civil Pensions (Commutation) Rules, namely:—

In the Appendix to the said Rules, under the heading "Central Services", the following entry shall be inserted at the end, namely:—

"Central Secretariat Service, Grade I."

[No. F.2(7)-EV/53.]

C. B. GULATI, Under Secy.

(Department of Economic Affairs)*New Delhi, the 13th June 1953*

S.R.O. 1085.—The following draft of an amendment to the Public Debt Rules, 1946, which it is proposed to make in exercise of the powers conferred by section 28 of the Public Debt Act, 1944 (XVIII of 1944), is published, as required by sub-section (1) of the said section, for the information of all persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration on or after 13th July, 1953.

Any objection or suggestion which may be received from any person with respect to the said draft on or before the date specified will be considered by the Central Government.

Draft Amendment

In item (1) of clause (b) of sub-rule (4) of rule 12 of the said rules for the words "two years" the words "six months" shall be substituted.

[No. F.8(11)-B/53.]

ORDER*New Delhi, the 6th June 1953*

S.R.O. 1086.—In exercise of the powers conferred by the proviso to sub-section (2) of section 59 of the Government of Part C States Act, 1951 (XLIX of 1951), the President hereby specifies that the balance standing at any time at the credit of the Consolidated Fund of each of the States of Ajmer, Bhopal, Coorg, Delhi, Himachal Pradesh and Vindhya Pradesh shall not be less than the amount of rupees five lakhs.

[No. F.14(27)-B/52.]

M. V. RANGACHARI, Jt. Secy.

MINISTRY OF FINANCE (COMMUNICATIONS)*New Delhi, the 5th June 1953*

S.R.O. 1087.—The President hereby directs that the following further amendment shall be made in the Rules for the guidance of depositors in the Post Office Savings Banks, namely:—

In the said Rules:—

1. In rule 1—

- (a) in the definition of 'guardian' for the words 'British India', the word 'India' shall be substituted,
- (b) in the definition of 'Postmaster-General' for the word 'province', the word 'State' shall be substituted,
- (c) in the definition of 'Deputy Accountant General, Posts and Telegraphs' for the words 'or Madras', the words 'Kapurthala or Madras' shall be substituted.

2. In rule 21, for the word 'vernacular', the words 'Indian regional language' shall be substituted.
3. In clause (c) of rule 26, for the words 'British India', the word 'India' shall be substituted.
4. In rule 44—
 - (a) in clauses (c) and (d), for the word 'provincial', wherever it occurs, the word 'State' shall be substituted,
 - (b) in clause (c), for the words 'Madras Presidency', the words 'State of Madras' shall be substituted,
 - (c) in clause (f), for the figure and words '5-year Cash Certificates', the words 'National Savings Certificates', shall be substituted.
5. In rule 45-B—
 - (a) in clauses (c), (d), (e) and (f), for the word 'Provincial', wherever it occurs, the word 'State' shall be substituted,
 - (b) in the Note below clause (e), for the words 'United Provinces', the words 'State of Uttar Pradesh' shall be substituted.

[No. D.3160-C.I/53.]

New Delhi, the 8th June 1953

S.R.O. 1088.—The President hereby directs that the following further amendments shall be made in the Rules for the guidance of depositors in the Post Office Savings Banks, namely:—

In rule 37 of the said Rules, in the Note below sub-rule (1), for the words "a British Post Office", the words "an Indian Post Office" shall be substituted.

[No. D.3855-C.I/53.]

N. V. VENKATARAMAN, Dy. Secy.

MINISTRY OF FINANCE (REVENUE DIVISION)**INCOME-TAX***New Delhi, the 4th June 1953*

S.R.O. 1089.—In exercise of the powers conferred by sub-section (1) of section 40A of the Indian Income-tax Act, 1922 (XI of 1922), the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Finance (Revenue Division) No. 31—Income-tax, dated the 25th May 1953.

In the said notification after item 7 the following item shall be added at the end, namely:—

- "8. All persons proceeding on pilgrimage by sea to IRAN and IRAQ, on or before the 31st December 1953, provided that they travel with return tickets, hold pilgrim passes, and are not in possession of passports".

[No. 40.]

K. L. MITTAL, Dy. Secy.

DANGEROUS DRUGS*New Delhi, the 13th June 1953*

S.R.O. 1090.—In pursuance of sub-clause (ii) of clause (g) of section 2 of the Dangerous Drugs Act, 1930 (II of 1930), and the Protocol signed at Paris on the 19th November 1948 supplementing the Geneva Convention, and in supersession of the notification of the Government of India in the Ministry of Finance (Revenue Division) No. 5—Dangerous Drugs, dated the 14th September 1951, the Central Government hereby declares the narcotic substances specified in this notification to be manufactured drugs and directs that the following further amendments shall be

made in the notification of the Government of India in the late Finance Department (Central Revenues) No. 2—Dangerous Drugs, dated the 10th January 1931, namely:—

In the said notification for the existing item 11 the following items shall be substituted; namely:—

- "11. 1-methyl-4-phenyl piperidine-4-carboxylic acid ethyl ester (in the form of the hydrochloride, known under the names of Dolantin, Demerol, Pethidine, Isonipeaine, etc.) and its salts;
- 1-methyl-4-(3-hydroxyphenyl)-piperidine-4-carboxylic acid ethyl ester (otherwise known as 1-methyl-4-metahydroxyphenyl piperidine-4-carboxylic acid ethyl ester, "Bemidone") and its salts;
- 4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl ketone (otherwise known as 1-methyl-4-metahydroxyphenyl-4-propionyl-piperidine "Keto-bemidone") and its salts;
- L-1, 3-dimethyl-4-phenyl-4-propionoxy piperidine (known as NU-1196, or Nisentil) and its salts;
- B-1, 3-dimethyl-4-phenyl-4-propionoxy piperidine (otherwise identified by symbol NU-1779) and its salts;
- 4, 4-diphenyl-6-dimethylaminoheptanone-3 (otherwise known as 6-dimethylamino-4, 4-diphenyl-3-heptanone, also known as "Methadone", Amidone, Dolophine, Adanon, etc.) and its salts;
- 4, 4-diphenyl-5-methyl-6-dimethylaminohexanone-3 (otherwise known as 6-dimethylamino-5-methyl-4, 4-diphenyl-3-hexanone, "Iso-methadone") and its salts;
- 4, 4-diphenyl-6-dimethylaminoheptanol-3 (otherwise known as 6-dimethylamino-4, 4-diphenyl-3-heptanol and identified by symbol N.I.H.-2933) and its salts;
- 4, 4-diphenyl-6-dimethylamino-3-acetoxyheptane (otherwise known as 6-dimethylamino-4, 4-diphenyl-3-acetoxyheptane and identified by symbol N.I.H.-2953) and its salts;
- 4, 4-diphenyl-6-morpholinoheptanone-3 (otherwise known as 6-morpholino-4, 4-diphenyl-3-heptanone, "Phenadoxone" and also known as CB-11, Heptazone or Heptalgin) and its salts;
- dihydrocodeine and its salts;
- acetyldihydrocodeine and its salts;
- 3-hydroxy-N-methylmorphinan (otherwise known by the symbol N.U.-2206) and its salts.
- 3-methoxy-N-methylmorphinan and its salts;
- B-1-methyl-3-ethyl-4-phenyl-4-propionoxypiperidine (otherwise known by the symbol NU-1932) and its salts;
- B-4-morpholinylethylmorphine."

[No. 1.]

A. K. MUKARJI, Dy. Secy.

CENTRAL BOARD OF REVENUE

INCOME-TAX

New Delhi, the 2nd June 1953

S.R.O. 1091.—In exercise of the powers conferred by sub-section (6) of Section 5 of the Indian Income-tax Act, 1922 (XI of 1922), the Central Board of Revenue hereby directs that the following further amendments shall be made in its notification No. 44-Income-tax, dated 1st July 1952, namely:—

In the Schedule to the said notification—

- (a) in the entry in column 2 against serial No. 9, for the words and figure "Serial No. 71", the words and figures "Serial Nos. 69, 70 and 71" shall be substituted.

- (b) for the entry in column 2 against serial No. 11 the following entry shall be substituted:

"Persons (excluding those who fall under Serial Nos. 69, 70 and 71) not resident in the taxable territories claiming double Income-tax relief whose total world income in the previous three years exceeded Rs. 25,000".

- (c) for the entries in columns 4 and 5, against serial No. 12 the following entries shall, respectively, be substituted, namely:—

"Inspecting Assistant Commissioner, D-Range, Bombay City" and "Appellate Assistant Commissioner, B-Range, Bombay City".

- (d) for the entry in column 2 against serial No. 13, the following entry shall be substituted:—

"Persons (excluding those who fall under Serial Nos. 69, 70 and 71) not resident in the taxable territories whose total world income is over Rs. 10,000 but not exceeding Rs. 25,000 and total income is made up of income wholly taxed at source or dividends or both".

- (e) for the entry in column 2 against serial No. 14, the following entry shall be substituted, namely:—

"Persons (excluding those who fall under Serial Nos. 69, 70 and 71) not resident in the taxable territories claiming Double Income-tax Relief whose total world income in the previous three years exceeds Rs. 10,000 but does not exceed Rs. 25,000".

- (f) in the entry in column 3 against serial No. 15 for the word "Do." the words "Third Income-tax Officer, Non-Resident Refund Circle, Bombay" shall be substituted.

- (g) after serial No. 15 the following serial numbers and entries shall be inserted:—

"15-A. Persons (excluding those who fall under Serial Nos. 69, 70 & 71) not resident in the taxable territories claiming Double Income-tax Relief whose total income in the previous 3 years did not exceed Rs. 10,000.	3rd Income Tax Officer Non-residents Refund Circle, Bombay.	Inspecting Assistant Commissioner D-Range, Bombay.	Appellate Assistant Commissioner, K-Range, Bombay.	Commissioner of Income Tax, Bombay.
15-B. Persons (excluding those who fall under Serial Nos. 69, 70 & 71) not resident in the taxable territories whose income does not exceed Rs. 10,000 and total income is made up of income wholly taxed at source or dividends or both.	Do.	Do.	Do.	Do.

- (h) against each of the Serial Nos. 16, 17, 18, 19, 20, 21 and 72 for the entry in column 5, the entry "Appellate Assistant Commissioner 'M' Range, Bombay" shall be substituted.

[No. 38.]

New Delhi, the 3rd June 1953

S.R.O. 1092.—In exercise of the powers conferred by sub-section (6) of section 5 of the Indian Income-tax Act, 1922 (XI of 1922), the Central Board of Revenue directs that the following further amendments shall be made in its Notification No. 44-Income-tax, dated the 1st July 1952, namely:—

In the schedule to the said Notification:—

- (a) In column 2 against serial No. 17 for the existing entry the following entry shall be substituted, namely:—

"Employees of the Western Railway except those under the audit control of the Deputy Accountant General, Industry and Supply, Calcutta."

- (b) In column 5, against serial Nos. 52 and 53 for the words and letter "A-Range, New Delhi" the words and letter "C-Range, Delhi" shall be substituted and the word 'Do.' in that column against serial Nos. 54 to 58 shall be construed accordingly.

- (c) In column 4 against serial No. 56 for the words "New Delhi", the word "Delhi" shall be substituted.
- (d) In column 3, against serial No. 59, for the words "Salary Circle" the letter and word "D-Ward" shall be substituted.
- (e) In column 3, against serial No. 59, for the word "Jaipur" the letter and words "B-Range, Delhi", shall be substituted.
- (f) In column 3, against serial No. 60, for the words "Salary Circle, Indore", the letter and the words "A—Ward, Gwallor", shall be substituted.
- (g) In column 4, against serial No. 60, for the word "Gwallor", the word "Jaipur" shall be substituted.
- (h) In column 5, against serial No. 60, for the word "Gwallor", the letter and words "A—Range, Delhi", shall be substituted.

[No. 39.]

K. B. DEB, Under Secy.

INCOME-TAX

New Delhi, the 8th June 1953

S.R.O. 1093.—In exercise of the powers conferred by sub-section (1) of section 59 of the Indian Income-tax Act, 1922 (XI of 1922), the Central Board of Revenue hereby directs that the following further amendments shall be made in the Indian Income-tax Rules, 1922, the same having been previously published as required by sub-section (4) of the said section, namely:—

In the statement appended to rule 8 of the said Rules—

After entry (vii), in group B under sub-head (3) of the Heading 'III Machinery and Plant', the following entry shall be added, namely:—

"(viii) Salt pans, Reservoirs and Condensers etc. made of impervious clay.	Nil	Renewals will be allowed as revenue expenditure."
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[No. 41.]

K. L. MITTAL, Secy.

CUSTOMS

New Delhi, the 13th June 1953

S.R.O. 1094.—In exercise of the powers conferred by section 12 of the Sea Customs Act, 1878 (VIII of 1878), the Central Board of Revenue hereby directs that the following amendment shall be made in its notification No. S.R.O. 538-Customs, dated the 9th September 1950, namely:—

In the schedule to the said notification, under the heading Kutch State the words "Anjar" and "Tuna" shall be omitted.

[No. 44.]

A. K. MUKARJI, Secy.

MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 9th June 1953

S.R.O. 1095.—In exercise of the powers conferred by Section 7 of the Central Silk Board Act (Act No. LXI of 1948), the Central Government in consultation with the Central Silk Board has been pleased to appoint Shri Ramananda Sharma, Superintendent of Sericulture and Research Officer, Assam, as Secretary of the Central Silk Board, Bombay, with effect from the 20th January, 1953.

[No. 15(26)-Tex/51-CTB.]

S. A. TECKCHANDANI, Under Secy.

MINISTRY OF FOOD AND AGRICULTURE

New Delhi, the 3rd June 1953

S.R.O. 1096.—In exercise of the powers conferred by clause 11 of the Sugar and Gur Control Order 1950, the Central Government is pleased to direct that the following further amendment shall be made in the late Ministry of Agriculture Notification No. S.R.O. 792, dated the 19th October, 1950:—

In "The Schedule" to the said notification—

Under the Column "Designation of Officer" after the entry "Deputy Director (Sugar and Vanaspati) Office of the Vegetable Oil Products Controller, Ministry of Agriculture."

Add "Deputy Director (Sugar) Office of the Vegetable Oil Products Controller for India, Ministry of Food and Agriculture,

Deputy Director (Vanaspati) Office of the Vegetable Oil Products Controller for India, Ministry of Food and Agriculture,

Assistant Vegetable Oil Products Controller for India, Ministry of Food and Agriculture,

Inspectors, Office of the Vegetable Oil Products Controller for India, Ministry of Food and Agriculture,

Technical Officers, Office of the Vegetable Oil Products Controller for India, Ministry of Food and Agriculture."

Under the Column "Extent of Powers" against the above entries,

Add "All".

[SV-105(3)/52-53.]

S.R.O. 1097.—In exercise of the powers conferred by clause 11 of the Sugar and Gur Control Order 1950, the Central Government, subject to any general or special order which may from time to time be issued by it in this behalf, is pleased to direct that the powers under clause 8 of the said order, shall also be exercisable by the Deputy Director (Sugar) and the Deputy Director (Vanaspati) Office of the Vegetable Oil Products Controller for India, Ministry of Food and Agriculture.

[SV-105(3)/52-53.]

P. A. GOPALAKRISHNAN, Jt. Secy.

New Delhi, the 13th June 1953

S.R.O. 1098.—In exercise of the powers conferred by clause 2(a) of the Vegetable Oil Products Control Order, 1947, as amended by the Government of India in the Ministry of Food and Agriculture Notification No. S.R.O. 2040, dated the 22nd December, 1951. I hereby authorise the officers specified in Col. 2 of the Schedule hereto annexed in respect of their respective jurisdiction in the State mentioned in Col. 1 to exercise, subject to such directions as may be issued by me from time to time in this behalf, the powers of the Vegetable Oil Products Controller for India under clause 13 of the said Order.

THE SCHEDULE

State (1)	Designation of Authority. (2)
Patiala & East Punjab States Union.	1. Director of Civil Supplies. 2. All Deputy Commissioners. 3. Assistant Commissioners of Civil Supplies Department. 4. District Food & Civil Supplies Officers. 5. Procurement Inspectors. 6. Assistant Procurement Inspectors.

[No. 2-VP(2)/53.]

P. A. GOPALAKRISHNAN,
Vegetable Oil Products Controller for India.

ORDER

New Delhi, the 5th June 1953

S.R.O. 1099.—In pursuance of the provisions of sub-clause (3) of clause 1 of the Foodgrains (Licensing and Procurement) Order, 1952, the Central Government hereby directs that the said Order shall come into force on the 5th June, 1953, in respect of wheat in the State of Bombay excepting the areas specified in the schedule annexed to the notification of the Government of India in the Ministry of Food and Agriculture No. S.R.O. 2128, dated the 30th December, 1952.

[No. PYII-654(8)/53.]

R. S. KRISHNASWAMY, Director General, Food and Joint Secy.

MINISTRY OF HEALTH

New Delhi, the 2nd June 1953

S.R.O. 1100.—The following draft of further amendments in the Drugs Rules 1945, which it is proposed to make in exercise of the powers conferred by section 12 of the Drugs Act, 1940 (XXIII of 1940) is published as required by the said section for the information of all persons likely to be affected there by and notice is hereby given that the draft will be taken into consideration on or after the 13th September 1953.

2. Any objection or suggestion which may be received from any person in respect of the said draft before the date specified will be considered by the Central Government.

Draft Amendments

In the said Rules:—

1. After rule 25 the following rule shall be inserted, namely:—

“25. A. Condition to be satisfied before a licence in Form 10 is granted.

A licence in Form 10 for the import of biological and other special products specified in Schedules C and C (1) shall not be granted unless the licensing authority is satisfied that the premises where the imported substances will be stocked by the importer are equipped with proper storage accommodation, for preserving the properties of the drugs to which the licence applies.”

2. In rule 40—

(a) for the existing heading the following heading shall be substituted, namely:—
“Procedure for the import of drugs”.

(b) in sub rule (1) the words “for the import of which a licence is not required” shall be omitted.

3. Rule 42 shall be omitted.

4. In Form 9 in Schedule A.

for clause (1), the following clause shall be substituted, namely:—

“(1) the said applicant shall be an agent for the import of drugs into India.”

[No. F.1-9/52-DS.]

New Delhi, the 4th June 1953

S.R.O. 1101.—The following draft of certain further amendments in the Drugs Rules, 1945, which it is proposed to make in exercise of the powers conferred by section 12 and 33 of the Drugs Act, 1940 (XXIII of 1940), is published as required by the said sections for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 13th September, 1953.

2. Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

Draft Amendments

In the said Rules, for rule 106 the following rule shall be substituted, namely:—

“106. Diseases which a drug may not purport to prevent, mitigate or cure.—(1) No drug may purport or claim to prevent, mitigate or cure

or may convey to the intending user thereof any idea that it may prevent, mitigate or cure, one or more of the diseases or ailments specified in Schedule.

- (2) No drug may purport or claim to procure or assist to procure, or may convey to the intending user thereof any idea that it may procure or assist to procure, miscarriage in women."

[No. F.1-16/52-DS.]

New Delhi, the 5th June 1953

S.R.O. 1102.—The following draft of certain further amendments in the Drugs Rules, 1945, which it is proposed to make in exercise of the powers conferred by sections 12 and 33 of the Drugs Act, 1940 (XXIII of 1940), is published as required by the said sections for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the.....

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

Draft Amendments

In rule 65 of the said Rules,

- (a) for condition (1) the following condition shall be substituted, namely:—

"(1) Any drug specified in Schedule E or any preparation containing any such drug and any drug supplied on a prescription shall, if compounded or made up on the licensee's premises, be compounded or made up by or under the direct and personal supervision of a qualified person".

- (b) in condition (3), for the words "The supply of any drug on the prescription of a registered medical practitioner" the words shall be substituted,

"The supply of any drug on a prescription".

[No. F.1-12/48-D.]

New Delhi, the 8th June 1953

S.R.O. 1103.—Under clause (xi) of sub-section (2) of section 5 of the Drugs Act, 1940 (XXIII of 1940), Dr. K. K. Sen Gupta has been elected by the Central Council of the Indian Medical Association as a member of the Drugs Technical Advisory Board with effect from the 2nd May, 1953.

[No. F.4-7/52-DS(2).]

S. DEVANATH, Under Secy.

New Delhi, the 3rd June 1953

S.R.O. 1104.—In exercise of the powers conferred by Section 2 of the Part C States (Laws) Act, 1950 (XXX of 1950), the Central Government hereby extends to the State of Tripura, the Punjab Juvenile Smoking Act, 1918 (Punjab Act VII of 1918), as at present in force in the State of Punjab, subject to the following modifications, namely:—

Modifications

1. For sub-section (2) of Section 1, the following sub-section shall be substituted, namely:—

"(2) It extends to the whole of Tripura and shall come into force at once".

2. For Section 4, the following section shall be substituted, namely:—

"4. If any boy apparently under the age of sixteen years be found smoking tobacco in any public place it shall be lawful for any teacher of a school or college, member of a Municipal Committee, legal practitioner, registered medical practitioner, or Magistrate to seize such tobacco and destroy it."

3. For Section 5, the following section shall be substituted, namely:—

"5. Notwithstanding anything contained in any other law for the time being in force, any magistrate specially empowered in this behalf by the

Chief Commissioner of Tripura may try in a summary way any offence under this Act.

Annexure

*THE PUNJAB JUVENILE SMOKING ACT, 1918

PUNJAB ACT VII OF 1918

(Received the assent of the Lieutenant-Governor of the Punjab on the 6th June 1918 and that of the Governor-General on the 25th June, 1918 was first published in the Punjab Gazette of the 12th July, 1918.)

1	2	3	4
Year	No.	Short title	Whether replaced or otherwise affected by legislation.
1918	VII	The Punjab Juvenile smoking Act, 1918.	

An Act to prevent Juveniles from smoking tobacco.

Whereas it is expedient to prevent juveniles from smoking tobacco, and whereas the previous sanction of the Governor-General under section 79(2) of the Government of India Act 1915, has been obtained to the alteration of the law effected by section 5 of this Act; It is hereby enacted as follows:—

1. *Short title and extent.*—(1) This Act may be called the Punjab Juvenile Smoking Act, 1918.

(2) It extends to the whole of Tripura and shall come into force at once.

2. *Definitions.*—In this Act—

"Tobacco" means tobacco in any form and includes any smoking mixture intended as a substitute for tobacco;

"Public place" means any place to which the public for the time being has access whether on payment or otherwise and includes a railway station and a railway carriage.

3. *Penalty for selling tobacco to children.*—Whoever sells or gives or attempts to sell or give to a child apparently under the age of sixteen years any tobacco whether for his own use or not, shall be liable on conviction by a Magistrate in the case of a first offence to a fine not exceeding ten rupees and in the case of a second offence to a fine not exceeding twenty rupees and in the case of a third or subsequent offence to a fine not exceeding fifty rupees.

4. *Seizure of tobacco being smoked by juvenile in a public place.*—If any boy apparently under the age of sixteen years be found smoking tobacco in any public place it shall be lawful for any teacher of a school or college, member of a Municipal Committee, legal practitioner, registered medical practitioner, or Magistrate to seize such tobacco and destroy it.

5. *Summary jurisdiction.*—Notwithstanding anything contained in any other law for the time being in force, any magistrate specially empowered in this behalf by the Chief Commissioner of Tripura may try in a summary way any offence under this Act.

* For Statement of Objects and Reasons, see Punjab Gazette 1916, Part V, pages 22-3 and 178, for Select Committee's report, see *ibid* Part V, 1918, pages 334-35, for debates in Council see *ibid*, 1918, Part V, pages 205-10, *ibid*, 1918; Part V, pages 395-97.

† See Punjab Gazette, 1918, Part V, page 503.

[No. D.6599-PHII/52.]

V. K. B. PILLAI, Secy.

MINISTRY OF EDUCATION**ARCHAEOLOGY***New Delhi, the 10th June 1953*

S.R.O. 1105.—In exercise of powers conferred by sub-section (1) of section 3 of the Ancient Monuments Preservation Act, 1904 (VII of 1904), the Central Government hereby declares the ancient monument (Bir Singh Place at Datla) described in the Schedule annexed hereto to be protected within the meaning of the said Act.

[No. D.2328/53-A.2.]

T. S. KRISHNAMURTI, Asstt. Secy.

MINISTRY OF COMMUNICATIONS**(Posts and Telegraphs)***New Delhi, the 5th June 1953*

S.R.O. 1106.—In exercise of the powers conferred by sub-rule (5) of rule 430 of the Indian Telegraphs Rules, 1951, the Central Government is pleased to direct that, with effect from 16th July, 1953, the Message Rate System shall be introduced in all telephone exchanges at Hyderabad except Trimulgherry telephone exchange.

[No. PHA-48-15/51.]

V. M. BHIDE, Dy. Secy.

MINISTRY OF TRANSPORT**MERCHANT SHIPPING***New Delhi, the 4th June 1953*

S.R.O. 1107.—In exercise of the powers conferred by sub-section (2) of section 1 of the Indian Merchant Shipping (Amendment) Act, 1953 (23 of 1953), the Central Government hereby appoints the 15th day of June 1953 as the date on which the said Act shall come into force.

[No. 60-MA(3)/52.]

S. K. GHOSH, Dy. Secy.

MINISTRY OF RAILWAYS**(Railway Board)***New Delhi, the 5th June 1953*

S.R.O. 1108.—In exercise of the powers conferred by Section 72-A of the Indian Railways Act, 1890 (IX of 1890) and in supersession of the Government of India, Ministry of Railways (Railway Board) Notification No. S.R.O. 283, dated the 12th July, 1950, the Central Government hereby approves with effect from the 1st September, 1953 the following forms of Forwarding Notes prescribed by all Railway Administrations.

Form No.....

Serial No.....

GENERAL FORWARDING NOTE

(Approved by the Central Government for use on all Railways under
Section 72-A of the Indian Railways Act of 1890.)

(To be used for regular traffic).

.....Railway.
To the Station Master.....Railway,

.....Station.

In consideration of the regular traffic in.....by coaching/mixed
trains that I will be tendering for which I elect to pay at owner's risk rates, please

accept this General Forwarding Note as valid for a period of six months from the date hereof.

Particulars of each consignment will be furnished in writing, if required, at the time of booking.

Dated.....

Name of Sender.....

Address.....

Signature of Sender.....

Executed before me

Date.....

Station Master.....

Approved

Date.....

.....
District officer.

SPECIMEN
FORWARDING NOTE FOR GENERAL MERCHANDISE

Form No.

(Approved by the Central Government for use on all Railways under Section 72-A of the Indian Railways Act of 1890).

TO THE STATION MASTER.....RAILWAY.....STATION.....RAILWAY.

Please receive the undermentioned consignment and forward by Goods and/or Mixed train*/Coaching and/or Mixed train* to.....
Station on the.....Railway as consigned below :—

By whom consigned		To whom consigned		Station to	No. of articles	Description and private marks	Sender's weight		Freight paid/to pay
Name	Address	Name	Address				Mds.	Srs.	

I do hereby certify that I have satisfied myself that the description, marks and weight or quantity of goods consigned by me have been correctly entered in this forwarding Note.

†(1) The consignment is in bad conditions* and/or defectively packed*, as follows :—

†(2) At my request the consignment is despatched in open.....

†(3) Alternative railway risk and owner's risk rates being available, I elect to pay the.....rate.

†(4) To be forwarded via.....(a dearer route*) at my request.

†(5) The cheapest route being closed*/partially closed*, to be charged via.....the next cheapest open route.

*Strike out where inapplicable.

†Strike out any clause inapplicable before signing this form.

Signature of sender or his agent.....

Dated.....195 . Address.....

The attention of the sender or his agent is invited to the principal terms and conditions applying to the carriage of goods by railway which are set forth in the Railway's Goods and Coaching Tariffs and to the explanatory notes below.

Note.—Additions or alterations made in the above entries must be signed (not initialled) by the sender or his agent.

[P.T.O.]

(The form below to be filled in by the Railway staff only.)

Forwarding Note No.....Dated.....

No. of articles	Description	Weight		Checked by.....	dated.....195 .
		Mds.	Srs.		
				Weighed by.....	dated.....195 .
				Loaded by.....	dated.....195 .
				Invoiced by.....	dated.....195 .
				Risk.....	
				To be carried <i>via</i>	
				To be charged <i>via</i>	

Description	No. of articles	Marks	Actual weight		Weight charged		Class	Rate per Md.			Paid		To pay		Receipt No.	Invoice		Particulars of wagons			
																		No. & type	Owning Ry.	C.C.	Floor area
			Md.	Srs.	Mds	Srs.		s.	as.	p.	Rs.	as.	Rs.	as.		No.	Date				

EXPLANATORY NOTES

(1) A consignment not packed in accordance with railway rules or already in bad condition cannot be accepted for carriage unless the nature of the defect, e.g., not packed as required by railway rules; 2 cases planks broken; 12 drums leaky, etc., etc., is recorded in clause (1) overleaf.

(2) When a sender desires to despatch in open vehicles or vessels, a consignment which would otherwise be carried in covered vehicles or vessels, he must enter the word 'vehicles', or 'vessels', as the case may be, in the appropriate place in clause (2) overleaf.

(3) When alternative railway risk and owners risk rates are quoted, the latter will apply unless the sender in clause (3) overleaf, enters the words 'railway risk' when he will pay or engage to pay the higher charge and will receive a certificate to this effect.

(4) When a consignment is to be forwarded *via* other than the shortest route at the sender's request, the route by which the consignment is to be forwarded must be recorded in clause (4) overleaf.

(5) When a consignment is to be charged *via* the next cheapest open route, the cheapest route being closed, or partially closed, the route by which the consignment is to be charged must be recorded in clause (5) overleaf.

NOTE.—All clauses and words which are inapplicable are to be struck out before the Forwarding Note is signed.

SPECIMEN

Form No.

FORWARDING NOTE FOR ANIMALS/OR CONSIGNMENTS DECLARED TO CONTAIN ARTICLES ENUMERATED IN THE SECOND SCHEDULE TO THE RAILWAY ACT OTHER THAN DANGEROUS GOODS.

(Approved by the Central Government for use on all Railways.—Under Section 72-A of the Indian Railways Act of 1890).

TO THE STATION MASTER.....RAILWAY.....STATION.....RAILWAY.

Please receive the undermentioned consignment and forward by Goods and/or Mixed train*/Coaching and/or Mixed train* to Station on the.....Railway as consigned below :—

By whom consigned		To whom consigned		Station to	No. of articles	Description and private marks	Sender's weight		Freight paid/to pay
Name	Address	Name	Address				Mds.	Srs.	

I do hereby certify that I have satisfied myself that the description, marks and weight or quantity of goods consigned by me have been correctly entered in this Forwarding Note.

†(1) I declare the value of these* elephants/horses/mules/camels/horned cattle/donkeys/sheep/goats/dogs/other animals and birds to be Rs. per head and engage to pay the authorised percentage charge on excess value.

†(2) I declare that these packages contain.....of a value of Rs. and engage*/do not engage* to pay the percentage charge on value for increased risk, as required by the Administration. (Description, contents, and value of excepted articles in each package should be specifically mentioned).

†(3) The consignment is in bad condition* and/or defectively packed* as follows :—

†(4) Alternative railway risk and owner's risk rates being available, I elect to pay the.....rate.

†(5) To be forwarded via.....(a dearer route*) at my request.

†(6) The cheapest route being closed*/partially closed*, to be charged via.....the next cheapest open route.

*Strike out where inapplicable.

†Strike out any clause inapplicable before signing this form.

Signature of sender or his agent.....

Dated.....195.....Address.....

The attention of the sender or his agent is invited to the principal terms and conditions applying to the carriage of goods by railway which are set forth in the Railway's Goods and Coaching Tariffs and to the explanatory notes on the back hereof.

NOTE.—Additions or alterations made in the above entries must be signed (not initialled) by the sender or his agent.

[P. T. O.]

(The form below to be filled in by the Railway staff only.)

Forwarding Note No. Dated.

No. of articles	Description	Weight	
		Mds.	Srs.

Checked by dated 195 .

Weighed by dated 195 .

Loaded by dated 195 .

Invoiced by dated 195 .

Risk.

To be carried *via*.To be charged *via*.

Description	No. of articles	Marks	Actual weight		Weight charged		Class	Rate per Md.			Paid		To pay		Receipt No.	Invoice		Particulars of wagons			
			Md.		S.			Rs.	as.	p.	Rs.	as.	Rs.	as.		No.	Date	No. & type	Owning Rly.	C.C.	Floor area
			Md.	S.	Md.	S.															

EXPLANATORY NOTES.

(1) The responsibility of a Railway Administration for loss, destruction, or deterioration of the animal(s), shall not exceed in the case of elephants Rs. 1,500 per head; horses Rs. 750 per head; mules, horned cattle or camels Rs. 200 per head; dogs, donkeys, goats, pigs, sheep or other animals or birds Rs. 30 per head, unless a higher value is declared in clause (1) overleaf and an engagement entered into to pay the authorised percentage charge on excess value. The entire clause should be struck out by the sender or his agent if no declaration of higher value is made. Railways will not be liable for damage or loss arising from freight or restiveness of any animal or bird irrespective of whether the sender has paid the percentage charge on value or not.

(2) Railways are not responsible for any loss, destruction or deterioration of or damage to parcel or package containing any article(s) specified in the Second Schedule to the Indian Railways Act IX of 1890 whose value exceeds Rs. 30 per parcel or package unless the contents and value are declared and an engagement entered into to pay the authorised percentage on value charge, if required. The declaration of contents and value must be made in clause (2) overleaf and the word "engage" or the words "do not engage" struck out according to whether the consignment is to be booked by the railway with bailee's responsibility or otherwise. The Administration hereby notice that payment of percentage on value charge is required.

(3) A consignment not packed in accordance with the Railway rules or already in bad condition cannot be accepted for carriage unless the nature of the defect is recorded in clause (3) overleaf. Packages in such conditions will not be accepted for carriage if the sender wishes to pay the percentage charge on value for increased risk.

(4) When alternative railway risk and owner's risk rates are quoted, the latter will apply unless the sender, in clause (4) overleaf, enters the words "railway risk", when he will pay or engage to pay the higher charge and will receive a certificate to this effect.

(5) When a consignment is to be forwarded *via* other than the shortest route at the sender's request, the route by which the consignment is to be forwarded must be recorded in clause (5) overleaf.

(6) When a consignment is to be charged *via* the next cheapest open route, the cheapest route being closed or partially closed, the route by which the consignment is to be charged must be recorded in clause (6) overleaf.

Note.—All clauses and words which are inapplicable are to be struck out before the Forwarding Note is signed.

SPECIMEN

Form No.

FORWARDING NOTE FOR DANGEROUS GOODS.

(Approved by the Central Government for use on all Railways under Section 72-A of the Indian Railways Act of 1890.)

TO THE STATION MASTER.....RAILWAY.....STATION.

.....RAILWAY.

Please receive the undermentioned consignment and forward by Goods and/or Mixed train*/Coaching and/or Mixed train* to.....
Station on the.....Railway as consigned below :—

By whom consigned		To whom consigned		Station to	No. of articles	Description and private marks	Sender's weight		Freight paid/to pay
Name	Address	Name	Address				Mds.	Srs.	

I do hereby certify that I have satisfied myself that the description, marks and weight or quantity of goods consigned by me have been correctly entered in this Forwarding Note.

I further declare that I accept responsibility for any consequences to the property of the aforesaid Railway Administration, or to the property of other persons, entrusted or to be entrusted to the Railway Administration for conveyance, or otherwise, which may be caused by the explosion of, or otherwise by, the said consignment, and that all risk and responsibility whether to the Railway Administration to their servants or agents or to others, remain solely and entirely with me.

†(1) Alternative railway risk and owner's risk rates being available, I elect to pay the.....rate.

†(2) To be forwarded *via*..... (a dearer route*) at my request.

†(3) The cheapest route being closed*/partially closed*, to be charged *via*.....the next cheapest open route.

†(4) I declare that these packages contain..... of a value of Rs.....enumerated in the Second Schedule to the Indian Railways Act IX of 1890. I engage*/do not engage* to pay the percentage charge on value for increased risk as required by the Administration. (Description, contents, and value of excepted articles in each package should be specifically mentioned).

Signature of sender or his agent.....

*Strike out where inapplicable.

†Strike out any clause inapplicable before signing this form.

Dated.....195 . Address.....

The attention of the sender or his agent is invited to the principal terms and conditions applying to the carriage of dangerous goods by railway which are set forth in I.R.C.A. Red Tariff and to the explanatory notes on the back hereof.

NOTE.—Additions or alterations made in the above entries must be signed (not initialled) by the sender or his agent.

. (The form below to be filled in by the Railway staff only.)

Forwarding Note No.....Dated.....

No. of articles	Description	Weight	
		Mds.	Srs.

Checked by..... dated.....195 .

Weighed by..... dated.....195 .

Loaded by..... dated.....195 .

Invoiced by..... dated.....195 .

Risk.....

To be carried *via*.....

To be charged *via*.....

(P.T.O.)

Description	No. of articles	Marks	Actual weight		Weight charged		Class	Rate per Md.			Paid		To pay		Receipt No.	Invoice		Particulars of wagons			
			Md.	S.	Md.	S.		Rs.	as.	p.	Rs.	as.	Rs.	as.		No.	Date	No. & type	Owning Ry.	C.C.	Floor area

EXPLANATORY NOTES.

- (1) When alternative railway risk and owner's risk rates are quoted, the latter will apply unless the sender, in clause (1) overleaf, enters the words 'railway risk' when he will pay or engage to pay the higher charge and will receive a certificate to this effect.
- (2) When a consignment is to be forwarded *via* other than the shortest route at the sender's request, the route by which the consignment is to be forwarded must be recorded in clause (2) overleaf.
- (3) When a consignment is to be charged *via* the next cheapest open route, the cheapest route being closed, or partially closed, the route by which the consignment is to be charged must be recorded in clause (3) overleaf.
- (4) Railways are not responsible for any loss, destruction or deterioration of or damage to a parcel or package containing any article(s) specified in the Second Schedule to the Indian Railways Act IX of 1890 whose value exceeds Rs. 300 per parcel or package unless the contents and value are declared and an engagement entered into to pay the authorised percentage on value charge, required. The declaration of contents and value must be made in clause (4) overleaf and the word "engage" or the words "do not engage" struck out according to whether the consignment is to be booked by the Railway with bailee's responsibility or otherwise. The administration hereby give notice that payment of percentage of value charge is required.

NOTE.—All clauses and words which are inapplicable are to be struck out before the Forwarding Note is signed.

[No. 4859-TC.]

New Delhi, the 9th June 1953

S.R.O. 1109.—In exercise of the powers conferred by clauses (f) and (g) of sub-section (1) of section 47 of the Indian Railways Act, 1890 (IX of 1890), read with the notification of the Government of India in the late Department of Commerce and Industry No. 801, dated the 24th March 1953, the Railway Board hereby makes the following further amendments in the notification of the Government of India in the late Railway Department (Railway Board) No. 1080-T, dated the 18th February 1926, namely:—

In rule 8 of the said Rules, for sub-rules (b) and (c) the following sub-rules shall be substituted, namely:—

“(b) A charge of one rupee per package or article will be made for the period it remains at the station prior to transference to the Lost Property Office.”

“(c) A storage charge not exceeding one rupee per package or article per month or part of a month during which it remains in the possession of the Railway Administration as lost property will be made on all articles received in the Lost Property Office. The month shall be calculated from the date the article is deposited in one month to the previous date in the following month, e.g. from 10th January to 9th February inclusive.”

[No. 473-TG/52.]

S. K. GUHA, Jt. Director.

MINISTRY OF WORKS, HOUSING AND SUPPLY

(Central Boilers Board)

New Delhi, the 16th May 1953

S.R.O. 1110.—In exercise of the powers conferred by section 28 of the Indian Boilers Act, 1923, (V of 1923) the Central Boilers Board hereby directs that the following further amendments shall be made in the Indian Boiler Regulations, 1950, the same having been previously published as required by sub-section (1) of section 31 of the said Act, namely:

In the said Regulations:—

1. The heading above regulation 33 shall be amended to read as under:—

“COPPER PLATES, STAY AND RIVET BARS”

2. The following heading shall be inserted above regulation 35, namely:—

“COPPER AND BRASS TUBES”

3. In Regulation 35—

(a) After clause (d) Tolerance, the following shall be added, namely:—

“(e) *Tensile Test.*—Tensile tests shall be made on pieces of tubes or strips cut from the tube. If the tensile test is made on a piece of tube, the ultimate tensile stress shall be not less than 14·50 tons (32480 lb.) per sq. in. with an elongation of not less than 50 per cent. on 2 in.

If the tensile test is made on a strip cut from the tube, the ultimate tensile stress shall be not less than 14 tons (31360 lb.) per sq. in. with an elongation of not less than 40 per cent. on a test piece having a gauge length of four times the square root of the area.

The results obtained from a batch shall be uniform, and should a variation of more than one ton (2240 lb.) per sq. in. be found between any number of tubes tested, the batch shall be liable to rejection. A batch shall not consist of more than 500 tubes.

(f) *Bulging or Drifting Test.*—The test piece shall stand bulging or drifting cold (see Diagrams 1 and 2 respectively) without showing either crack or flaw, until, the outside diameter of the bulged or drifted

end measures not less than 25 per cent. more than the original diameter of the tube.



DIAGRAM 1



DIAGRAM 2

- (g) *Flanging Test*.—The test piece shall stand flanging cold (see Diagram 3) without showing either crack or flaw until the diameter of the flange measures not less than 40 per cent. more than the original diameter of the tube.



DIAGRAM 3

- (h) *Flattening and Doubling over Test*.—The test piece shall stand the following test, both cold and at a red heat, without showing either crack or flaw. The test piece shall be flattened down until the interior surfaces of the tube meet, and then be doubled over on itself, that is, bent through an angle of 180° (see Diagram 4) the bend being at right angles to the direction of the length of the tube.



DIAGRAM 4

- (i) *Hydraulic Test*.—Each tube shall be tested, before the tubes are presented for inspection, by an internal hydraulic pressure of 750 lb. per sq. in. or by such internal hydraulic pressure as may have been specified by the Inspecting Authority and the Inspector may re-test 5 per cent. or more as he may deem necessary.

The tubes shall withstand the test without showing any signs of weeping or any evidence of defects."

- (b) existing clause (e) shall be relettered as clause (j).

4. Re-number the existing regulation 35 as regulation 35 (1) and add the following as regulation 35(2), namely:—

"35(2) (a) *Composition*.—Brass for boiler tubes may be of either 70/30 alloy or 2/1 alloy as specified.

(b) *Chemical analysis*.—The tubes shall consist of an alloy of copper and zinc, and shall contain:—

70/30 alloy. Not less than 70 per cent. of copper and not more than a total of 0.75 per cent. of materials other than copper and zinc.

2/1 alloy. Not less than 66 : 70 per cent. of copper and not more than a total of 0.75 per cent. of materials other than copper and zinc.

The manufacturer shall supply when required free of charge, a copy of his works analysis* of the material.

(c) *Freedom from Defects*.—The tubes shall be clean, smooth and free from surface defects or longitudinal grooving, both internally and externally, and the ends shall be clean and square.

(d) *Tolerances*.—The tubes shall be solid drawn and shall be concentric within the working margins for thickness given below. The tubes shall be straight and unless otherwise ordered they shall be of uniform diameter throughout.

The working margins shall be as follows:—

On length $\pm 1/16$ in.

On thickness \pm half the difference between the Standard Wire Gauge (S.W.G) specified and the next Standard Wire Gauge thicker.

On external diameter ± 0.005 in.

(e) All test material shall be annealed before testing and shall comply with the following mechanical tests:—

(i) *Bulging or Drifting Test*.—The test piece shall stand bulging or drifting cold (see Diagram 1 and 2 respectively) without showing either crack or flaw, until the diameter of the bulged or drifted end measures not less than 25 per cent. more than the original diameter of the tube.



DIAGRAM 1

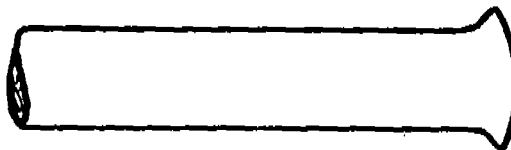


DIAGRAM 2

(ii) *Flanging Test*.—The test piece shall stand flanging cold (see Diagram 3) without showing either crack or flaw until the diameter of the

*A 'Works analysis' is defined as the routine analysis taken by or for the manufacturer in order to control the quality of the material.

flange measures not less than 25 per cent. more than the original diameter of the tube.

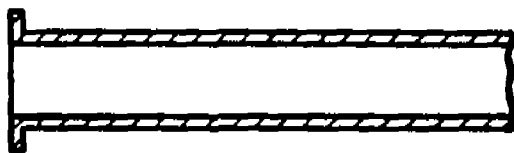


DIAGRAM 3

- (iii) *Flattening and Doubling over Test*.—The test piece shall stand the following test, when cold, without showing either crack or flaw. The test piece shall be flattened down until the interior surfaces of the tube meet, and then be doubled over on itself, that is, bent through an angle of 180° (see Diagram 4), the bend being at right angles to the direction of the length of the tube.



DIAGRAM 4

- (f) *Hydraulic Test*. Each tube shall be tested, before the tubes are presented for inspection, by an internal hydraulic pressure of 750 lb. per sq. in. or by such internal hydraulic pressure as may have been specified by the Inspecting Authority and the Inspector may re-test 5 per cent. or more as he may deem necessary.

The tubes shall withstand the test without showing any signs of weeping."

[No. M/BL-304(7)/52]

J. K. ROY, Secy.
Central Boilers Board.

New Delhi, the 6th June 1953

S.R.O. 1111.—In pursuance of clause (b) of section 2 of the Requisitioning and Acquisition of Immovable Property Act, 1952 (XXX of 1952), the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the late Ministry of Works, Production and Supply No. 879-WII/52, dated the 28th January, 1952, namely:—

In the table to the said notification—

- (a) for the words "Estate Manager, Government of India Estates, Bombay", the words "Controller of Accommodation, Bombay," shall be substituted,
- (b) the entries relating to the "Estate Manager, Government of India Estates, Calcutta" shall be omitted.

[No. 2426-EII/53.]

K. K. SHARMA, Dy. Secy.

MINISTRY OF LABOUR

New Delhi, the 2nd June 1953

S.R.O. 1112.—In exercise of the powers conferred by section 30 of the Minimum Wages Act, 1948 (XI of 1948), the Central Government hereby makes the following further amendment in the Minimum Wages (Central) Rules, 1950, the same having been previously published as required by the said section.

In sub-rules (1) and (5) of rule 26 of the said Rules, after the word "employer" the words "at the workspot" shall be added.

[No. LWI-24(110).]

New Delhi, the 3rd June 1953

S.R.O. 1113.—In pursuance of section 8 of the Coal Mines Labour Welfare Fund Act, 1947 (XXXII of 1947), read with rule 3 of the Coal Mines Labour Welfare Fund Rules, 1949, the Central Government hereby appoints Mr. R. Maulik, nominated by the Indian Mining Association, as a member of the Coal Mines Labour Welfare Fund Advisory Committee constituted under Notification of the Government of India in the Ministry of Labour No. S.R.O. 1302, dated the 17th August, 1952 *vice* Mr. W. H. S. Michelmores, resigned.

[No. M-3(8)53.]

P. N. SHARMA, Under Secy.

New Delhi, the 3rd June 1953

S.R.O. 1114.—In pursuance of clauses (a) and (c) of section 2 of the Industrial Employment (Standing Orders) Act, 1946 (XX of 1946), the Central Government hereby directs that the following further amendments shall be made in the notification of the Government of India in the Ministry of Labour No. S.R.O. 113, dated the 30th May, 1950, namely:—

In the Schedule to the said notification for the entries relating to 'Bhopal', the following entries shall be substituted, namely:—

'Bhopal

Director of
Labour, BhopalDistrict and
Sessions Judge,
Bhopal.'

[No. LB.11(100).]

S.R.O. 1115.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Calcutta, in respect of an application under section 33-A of the said Act against Messrs Empire of India Life Assurance Company Limited, Calcutta, preferred by 63 employees of the Company.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

20/1 Gurusaday Road, Ballygunge, Calcutta-19.

PRESENT:

Shri K. S. Campbell-Puri, B.A., LL.B., *Chairman*.

APPLICATION NO. 114/52 (u/s 33-A OF THE ACT).

PARTIES:

Shri Sachindra Nath Basu & 62 other employees, 39/3/1A Lansdowne Road, 2nd Floor, P.O. Elgin Road, Calcutta-20—*Complainants*.

Vs.

Messrs. Empire of India Life Assurance Co. Ltd., 17 Brabourne Road, Calcutta-1—*Opposite Party*.

In the matter of an application dated 14th October 1952 u/s 33-A of the Industrial Disputes Act, 1947 (Admitted during the pendency of proceedings in reference No. 16 of 1951).

APPEARANCES:

Shri S. N. Basu, Secretary, Empire of India (Calcutta Branch) Employees Union, for the applicants.

Shri A. I. Ipe, Agency Manager (East), assisted by Shri P. K. Sen, Secretary, for the Company.

AWARD

This is an application preferred by 63 employees of Messrs Empire of India Life Assurance Co. Ltd., Calcutta Branch, jointly through the Empire of India (Calcutta Branch) Employees Union, on the allegation that the Company had altered the conditions of service of the employees by withholding the annual increment for the year 1952 and had thereby infringed the provisions of S. 33. The application was filed during the pendency of the proceedings in the original Reference No. 16 of 1951—Messrs Empire of India Life Assurance Company Ltd. Vs. Their workmen and was duly admitted and registered in this office as application No. 114/52. Usual notice was issued to the other side and on the completion of the pleadings the application came up for hearing in due course on the 7th May 1953. The representatives of both sides relied upon the award given in the main reference and no evidence was adduced. Shri P. K. Sen on behalf of the Employers however stated that the Employers had made up their mind to release the increment for the year 1952 in view of the finding already given in the original award and a list had already been submitted to the Administrator in that connection. In the circumstances the hearing was adjourned to this day the 25th May 1953.

Shri S. N. Basu, Secretary of the Employees Union states that the increment has since been released to all the employees concerned and the Union would not proceed with the petition. Shri A. I. Ipe, Agency Manager (East) also supports the Employees Union Secretary Shri S. N. Basu and states that the matter has been amicably settled and there is no dispute existing between the parties. The statements of the representatives are appended with the award (Appendix A). The result is that the dispute involved in the petition has been amicably settled and the petition shall be deemed to have been withdrawn. Awarded accordingly.

Encl: Appendix A.

CALCUTTA;

The 25th May 1953.

K. S. CAMPBELL-PURI, Chairman,
Central Government Industrial Tribunal,
Calcutta.

APPENDIX A

Statement of Shri S. N. Basu, Secretary, Empire of India (Calcutta Branch) Employees Union, for the applicants.

A petition was filed through the Union on behalf of 63 employees of the Empire of India Calcutta Branch under section 33-A during the pendency of the original Reference No. 16 of 1951 whereby it was complained that the Company had altered the conditions of service of the employees by withholding the annual increment for the year 1952 and had thus infringed the provisions of S. 33-A. Since the increment has now been released the employees have no grievance and the matter has been amicably settled. I am authorised as Secretary of the Union to withdraw the application and pray that the same may be deemed to have been withdrawn.

R.O. & A.C.

(Sd.) K. S. C.

The 25th May 1953.

(Sd.) S. N. BASU, Secretary,
Empire of India (Calcutta Branch)
Employees Union.

(Sd.) K. S. CAMPBELL-PURI.

Statement of Shri A. I. Ipe, Agency Manager, (East), Empire of India Life Assurance Coy.

I am authorised by the Administrator Shri R. Varadachari and am in a position to state that the matter in question for adjudication under S. 33-A has been ami-

cably settled and the increment for the year 1952 has since been released. There is no dispute pending between the applicants and the Employer Company.

R.O. & A.C.

(Sd.) K. S. C.

(Sd.) A. I. IPE, *Agency Manager*.

(East)

Empire of India Life Assurance
Co., Ltd., Bombay.

CAMP: CALCUTTA;
The 25th May 1953.

(Sd.) K. S. CAMPBELL-PURI

[No. LR-90(120).]

New Delhi, the 5th June 1953

S.R.O. 1116.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947) the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the matter of an Industrial dispute between the Asian Assurance Company Limited, Calcutta, and their workmen.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

20/1, Gurusaday Road, Ballygunge, Calcutta—19.

PRESENT:

Shri K. S. Campbell-Puri, B.A., LL.B.—*Chairman*.

REFERENCE No. 14 OF 1952

BETWEEN

The Asian Assurance Co. Ltd., Calcutta

AND

Their workmen

(Re: Shri Panchanan Manna of Calcutta Branch)

APPEARANCES:

Shri Panchanan Manna in Person.

Shri Tarapado Lahiri, Pleader, assisted by Shri Chitta Roy, Secretary, Insurance Office Employees' Association of Bengal.

Shri S. K. Dey, Branch Manager for the Assurance Company.

AWARD

By Notification No. LR-90(143), dated 8th July 1952 the Central Government in the Ministry of Labour referred an industrial dispute existing between the Asian Assurance Co. Ltd., Calcutta and their workmen to this Tribunal for adjudication in respect of the matter specified in the schedule annexed thereto, which reads as follows:

SCHEDULE

Whether the termination of the services of Shri Panchanan Manna from the Calcutta Branch of the Company was justified and, if not, what relief should be granted to him.

Usual notices were issued to the parties for filing their statements and on the completion of pleadings the case came up for hearing in due course on 26th May 1953 for final adjudication. Shri Panchanan Manna appeared in person and was also represented by the Insurance Office Employees Association of Bengal. Shri S. K. Dey, Branch Manager of Asian Assurance Company appeared for the Employers. Shri Tarapado Lahiri, pleader also asked for permission to represent the petitioner and as the Employer side had no objection to his appearance he was allowed to conduct the case on behalf of the Employees Association. Shri Manna in support of his claim came into the witness box and subjected himself to the cross-examination of the other side and also examined one Shri Manindra Chandra Mazumdar as his witness. The Employers did not choose to produce any oral evidence and only relied upon the documents already attached with the written statement.

The essential facts as gathered from the pleadings and the statement of Shri Manna may shortly be stated as follows:—The Asian Assurance Company was established sometime in 1910 and as such was an old company having its head office in Bombay and branches at Calcutta, Delhi, Allahabad, Madras and other

important places in India. That the company was doing life insurance work as well as running a General Department dealing with fire business, etc. Shri Manna took up his appointment on 20th April 1945 as head clerk in the Fire Department, and was working satisfactorily but it so transpired that the company thought of closing the General Department and stopped transacting general insurance business from 15th February 1952 onward for want of new business in that department. A notice dated 21st February 1952 (Ex. A) was served upon Shri Manna to the effect that his services would no longer be required after 31st March 1952. It was stated *inter alia* that ordinarily he should have been given 30 days notice only but since he had been working for sometime in the Department the Company thought proper to give him notice of more period in order to enable him to make his arrangement elsewhere. Shri Manna however continued working during the full notice period as there was enough work for him to do and ultimately was relieved from his duty on 31st March 1952.

The grievance of the employee is that the company at the time of discharge did not take into consideration the period of his service and the position in which he was being put on account of the closure of the General Department. It was submitted that he could have easily been absorbed in the Life Department for which he was prepared even to undergo some training. It was maintained that the discharge was therefore arbitrary and was brought about *mala fide*. It was next contended on his behalf in the course of arguments that the company did not follow the principle of 'last come first go' and had actually absorbed one of the clerks of the General Department of the Calcutta Branch who was junior to Shri Manna and was working under him. It was urged that Shri Manna was an employee of the company and not of any specific department and as such it was the duty of the management to absorb him in the Life Department and the onus in this respect lay upon the company to establish that such absorption was not possible. Finally it was submitted by Shri Lahiri that in the absence of any evidence that Shri Manna was inefficient or incapable of picking up work in the life department his discharge from service was not justified. The learned Counsel for the petitioner at the same time frankly conceded that in the present circumstances when the general department had been closed long ago actual reinstatement on a substantive job was not possible. The Counsel furthermore did not dispute the justification of the closure of the General department and his argument precisely was that even if the closure of the general department was justifiably made for want of business the petitioner could and should have been absorbed in the life department as an old experienced hand working for the last more than 5 years in the company.

On the contrary the position taken up by the company was that the general department was running at a loss and had to be closed down because the company, as borne out from their record and the Balance Sheet, incurred a heavy loss of Rs. 2,60,000 up to 31st December 1951 and consequently had to terminate to services of the employees of the general department. It was stressed that the general department business was being transacted in more than one branches and all the employees including head office employees were discharged on payment of Provident Fund plus company's contribution, one month's salary for notice period as well as salary for the leave period and that all these benefits were also offered to Shri Manna but he refused to accept the payment. The company's representative also referred to the leave record of Shri Manna and submitted that the company was prepared to pay for the period of leave due to the petitioner.

Now on the appraisal of the facts in general and the evidence brought on the record it may be stated at the outset that so far the closure of the department is concerned it was not challenged by the petitioner's Counsel and secondly there was no evidence to support the general vague allegation made in the statement of claim that the company had discharged the employees of the general department on the pretended plea of closing the general department or that the closing of the general department was neither legally justified, nor warranted in any manner as stated in the paragraphs 15 and 17 of the statement of claim. Shri Manna, as his own witness moreover did not say anything on this aspect of the question and it can be safely inferred that this plea was not seriously raised as admitted by the learned Counsel of the petitioner. Judged in this view the only point which falls for determination would be as to whether the discharge was not justified on account of his non-absorption in the life department. It was argued on behalf of the petitioner as said above that onus for this lay upon the Employers. Now it is an accepted principle of law that this burden at the beginning shall lie on the party whoever desires the court to give judgment as to any legal right or liability dependant on the existence of fact which he asserts (*vide* S. 101 of the Evidence Act). The onus however during the course of the proceeding may shift from one side to the other. On the premises upon which this case has proceeded the justification for the closure of the general department has not been challenged and reliance

has been placed upon a particular fact *viz.* one of absorption. In this respect the rule of law is laid down under S. 103 of the Evidence which reads as follows:—

“103. The burden of proof as to any particular fact lies on that person who wishes the court to believe in its existence, unless it is provided by any law that the proof of that fact shall lie on any particular person.”

This section manifestly amplifies the general rule laid down in S. 101 because u/s 101 the party has to prove the whole of the facts which he alleges in order to entitle him a certain judgment in his favour while S. 103 provides only for the proof of some particular fact. Now the onus for the proof of justification for the closure of the general department and consequent retrenchment of a bulk of the Employees working in that department was on the Employer as held in Vishwamitra Press case published in Labour Law Journal pages 181—195 Vol. I 1952. But the closure of general department is not disputed by the petitioner and it follows that the initial onus has been discharged by the Employers and the onus of a particular fact relating to the absorption of the employees would fall within the ambit of S. 103. I am therefore of the opinion that the question of *onus probandi* is not exactly of any great import and the issue shall have to be considered generally regard being had to all facts. This is correct that the Employers did not adduce any evidence but it is also an established rule of law that a party may take advantage of the evidence adduced by the other side and also of any fact or circumstances in his favour appearing in the evidence adduced by or on behalf of the other party. In this case as said above the onus exactly does not lie upon the Employers regarding absorption and furthermore they can take advantage of the evidence adduced by the petitioner more especially from his own statement made before the Tribunal. Shri Manna in this connection has admitted in his statement that there was no less than 20 clerks working in the head office of the general department and none of them was absorbed. Similarly he has also deposed that there were some other employees in other branches of the general department and he was not in a position to say that anyone was absorbed in the life department. In the Calcutta Branch of course there were three clerks and two subordinate staff and only one clerk named Shri Sachin Biswas was absorbed in the life department on the closure of the general department. It was contended on the strength of this instance that a man who had been working under him was taken in the life department but his case was discriminated. The employers representative in the course of arguments submitted that Shri Sachin Biswas had worked for sometime in the life department and was therefore retained but in the absence of any evidence brought on the record I cannot attach much importance to this statement of fact made in the course of arguments. At any rate as admitted by Shri Manna the case of Shri Sachin Biswas was a solitary example and a large number of employees of the General department were not absorbed in the life department which would mean that normally the general department was treated as a separate entity and the employees of that department were not held eligible for being taken in the life department. The other aspect of the question would be whether it was possible to take every one of them in the life department to which I am not concerned of course. The case of Shri Manna, who was working as a head clerk, therefore stands on its own particular merits and in the light of his own statement, part of which may be reproduced below, I do not think that any case of discrimination has been made out as urged by his Counsel:

“I am not in a position to say as to how many employees of the General Department were affected by the closure in other branches as well as in the Head Office. There were of course twenty or more employees working in the General Department. The services of each one of them were terminated on the closure of the General Department. I cannot say as to whether out of the 20 employees of the Head Office General Department any one was absorbed in the Life Department or not. I am also not aware about other branches employees in the general Department. No scheme of gratuity has been introduced by this time in the company. The salary for the month of March 1952 was offered to me by the Company but I did not accept it because they wanted a receipt in final settlement of my claim. I have looked into the leave statement filed by the company with the written statement and submit that it is just possible that the number of days in one or two cases may not be correct but I can't say definitely. I have no record and so I cannot say definitely anything about the leave.”

Regarding the legal aspect of the question involved no precedent or decision was cited at the Bar by either of the side. I am however reminded of a recent

decision of the Labour Appellate Tribunal given in the case of Halar Salt and Chemical Works. Jamnagar Vs. Their workmen (reported in Labour Appeal cases. February 1953—p. 134.) In this case a separate department was closed on account of the breakdown of machinery and the workmen of that department were retrenched. It was held that the Union could not demand that employees in other departments in normal running should be taken into a pool for the purpose of determining as to who are to be retrenched. Their lordships of the Labour Appellate Tribunal while discussing the question further observed that they could not say that the concern adopted any wrong principle in retrenching the workmen of the Department which had to be closed and it was wrong to say that they have been victimized. Judged in this principle I do not think that the case of Shri Panchanan Manna can be stretched to any type of victimization. There is no evidence on the record that the closure of the general department which was running at a loss for sometime caused any ferment. Furthermore Shri Manna did not say anything in his deposition that the management was in any way inimical to him or he was a victim to any unfair labour practice. His sole grievance is that the management could have absorbed him if they liked and he approached them for that purpose. In his examination however he admitted that he did not give anything in writing and only asked orally that he was prepared to undergo some training for the life department. This would rather mean that he was not in a position to take up the work in the life department without some previous training. His witness Shri. Manindra Chandra Mazumdar of course deposed that the witness had been working in the general department and was transferred to the life department and was able to pick up work easily after sometime. This kind of evidence carries little evidential value and I am not prepared to call upon the Employers to absorb Shri Manna on the closure of the General Department more especially when the employees of the head office about 20 in number and employees of the other branches have not been absorbed. For all these reasons I am of the opinion that the termination of the services of Shri Manna was not made *mala fide* and cannot be called unjustified for want of his absorption in the life department.

This brings me to the relief. The wording of the issue referred to, as reproduced above, reads 'if not, what relief should be granted to him'. Normally it would mean that no relief could be granted to him if the discharge was held justified. Without taking the liberty of entering into the construction and frame of the issue I think the question of relief is always a general question which is considered in the manner as to which relief the employees is entitled to. In legal phraseology the question of relief in other words is always a separate issue and stands independent of the substantive point. If taken otherwise, it would mean that the verdict in the issue has already been given and the duty of the Tribunal finishes with the finding on the issue as to whether the discharge was justified or not. I don't think that this can be the intent of the reference and I would therefore enter into the question of relief independent of the finding given above with regard to the discharge of the employee. In this respect there are two aspects of the question. The one relates intrinsically to the retrenchment relief and warrants the advisability of granting unemployment relief when the services of a permanent hand were retrenched to no fault of his. This question has been the subject of various decisions and the general view is the workmen should receive some compensation say one month or half a month's wages for each completed year of service as retrenchment or unemployment relief.

In regard to the second part of the question viz. notice, it is correct that one month's notice was given as said above but the employee actually worked till 31st March 1952. The argument on the Employers side was that as his work was pending he continued working within the period of notice also. It was argued that in case he wanted to leave he could have left when the notice was served upon him and as such he was not entitled to further one month's salary in lieu of notice. The notice Ex. A reads as follows:

"Since we have closed our General Department, we regret to have to inform you that your services will no longer be required after the 31st March 1952. Ordinarily, we should have given you thirty days' notice only, but since you have been in our employment for sometime past, we give you this sufficient notice, so that you may be in a position to make your own arrangement.

We wish you all good luck."

It clearly indicates that Shri Manna had to work till 31st March 1952 awaiting his discharge after 31st March and he was not at liberty to leave the desk before

that date as alleged by the other side. In these circumstances I think it is fair that he should get one month's salary in lieu of notice beyond 31st March 1952 as well as half month's salary for each completed year of service as non-employment relief by way of compensation, in addition to the payment of salary for March 1952, Provident Fund and leave period salary already offered to him.

The result is that the Company is directed to pay Shri Panchanan Manna:

- (1) His salary up to 31st March 1952;
- (2) Provident Fund money plus Company's contribution;
- (3) Salary for one week's leave due to his credit;
- (4) One month's salary in lieu of notice from 1st April 1952 to 30th April 1952; and
- (5) Half month's salary for each completed year of service including allowances according to the rates of salary he was drawing prior to his discharge.

Re: gratuity claimed by him suffice it to say that in the absence of any scheme of gratuity prevailing with the company I have not been able to persuade myself to grant any such retiring benefit. The direction given above shall be carried out within one month from the date when the award becomes operative.

Now, therefore, this Tribunal makes its Award in terms aforesaid, this the 30th day of May 1953.

K. S. CAMPBELL-PURI, *Chairman*,
Central Government Industrial Tribunal,
Calcutta.

[No. LR.90(143).]

P. S. EASWARAN, *Under Secy.*

New Delhi, the 6th June 1953

S.R.O. 1117.—In exercise of the powers conferred by sub-sections (2), (3) and (4) of section 26, read with section 24, of the Payment of Wages Act, 1936 (IV of 1936), the Central Government hereby makes the following amendment in the Payment of Wages (Mines) Rules, 1949, the same having been previously published as required by sub-section (5) of the said section 26, namely:—

Amendment

For sub-rule (3) of rule 1, of the said Rules, the following sub-rule shall be substituted, namely:—

“(3) They extend to the whole of India, except the State of Jammu and Kashmir.”

[No. Fac.52(20).]

New Delhi, the 9th June 1953

S.R.O. 1118.—In pursuance of the provisions of section 73-B of the Employees' State Insurance Act, 1948 (XXXIV of 1948), the Central Government hereby specifies the following authorities to be authorities by whom shall be decided any question or dispute arising in respect of the employer's special contribution payable or recoverable under Chapter V-A of the said Act, within their respective jurisdictions, shown against such authorities in the schedule annexed hereto.

SCHEDULE

Name of State	Authority empowered to hear disputes under chapter V—A of the Employees, State Insurance Act, 1948.	Jurisdiction
Madhya Pradesh	Civil Judges (Class I)	The areas within the limits of their respective jurisdictions.
Madhya Bharat	*The Judge, Labour Court, Indore.	The local areas of Indore, Dewas, Sarangpur.
	*The Judge, Labour Court, Ujjain.	The local areas of Ujjain, Ratlam, Mandsaur, Mahidpur Road, Dalauda and Jaora.
	*The Judge, Labour Court, Lashkar.	The local areas of Gwalior and Dabra.

* Established under the Bombay Industrial Relations Act as adapted in Madhya Bharat.

[No. SS.122(25).]

K. N. NAMBIAR, Under Secy.

New Delhi, the 6th June 1953

S.R.O. 1119.—It is hereby notified for general information that in pursuance of the provisions of paragraph 20 of the Employees' Provident Funds Scheme, 1952, made under section 5 of the Employees' Provident Funds Act, 1952 (XIX of 1952), the Central Government has appointed the Labour Commissioner cum Chief Inspector of Factories, Orissa, to be the Regional Commissioner for the whole of that State to work under the general control and superintendence of the Central Commissioner.

[No. PF 516(34).]

S.R.O. 1120.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees Provident Funds Act, 1952 (XIX of 1952), the Central Government hereby appoints the Labour Commissioner cum Chief Inspector of Factories Orissa, to be an Inspector for the whole of the State of Orissa for the purposes of the said Act and of any scheme made thereunder in relation to factories engaged in a controlled industry or in an industry connected with a mine or an oilfield.

[No. PF 516(34).]

New Delhi, the 9th June 1953

S.R.O. 1121.—It is hereby notified for general information that in pursuance of the provisions of paragraph 20 of the Employees' Provident Funds Scheme, 1952, made under section 5 of the Employees' Provident Funds Act, 1952 (XIX of 1952), the Central Government has appointed with effect from the 18th April, 1953, Shri J. B. Shah, Provident Fund Inspector, Saurashtra, to act as the Regional Commissioner for the whole of the State of Saurashtra to work under the general control and superintendence of the Central Commissioner vice Shri D. K. Badekha, on leave.

[No. P.F.516(27)]

N. M. PATNAIK, Dy. Secy.